

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,  
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM  
SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, KEVIN SULLIVAN,  
ALICIA COVIELLO, GARY MANSFIELD  
Defendants

Civil Action No. 0412164MLW

**LOCAL RULE 16.1(D)(3) CERTIFICATE OF DEFENDANT,**  
**SEARS, ROEBUCK AND CO.**

Pursuant to Local Rule 16.1(D)(3), the undersigned hereby certify that the defendant, Sears, Roebuck and Co., and its counsel have conferred: (i) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and (ii) to consider the resolution of the litigation through the use of alternative dispute resolution.

Defendant, Sears, Roebuck and Co.  
By its authorized representative

BY: /s/ Malory Burns  
Malory Burns  
Senior Counsel  
Law Department  
Sears, Roebuck and Co.  
3333 Beverly Road, B6-378B  
Hoffman Estates, IL 60179  
(847) 286-4502

Defendant, Sears, Roebuck and Co.  
By its Attorneys,

BY: /s/ Liza J. Tran  
Christine M. Netski – BBO No. 546936  
Liza J. Tran – BBO No. 646818  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
(617) 227-3030

DATED: September 12, 2005

366690